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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA,**  
**SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
 ANTITRUST LITIGATION**

This Document Relates To:

*Epic Games, Inc. v. Google LLC et al., Case  
 No. 3:20-cv-05671-JD*

*In re Google Play Consumer Antitrust  
 Litigation, Case No. 3:20-cv-05761-JD*

*State of Utah et al. v. Google LLC et al., Case  
 No. 3:21-cv-05227-JD*

*Match Group, LLC et al. v. Google LLC et al.,  
 Case No. 3:22-cv-02746-JD*

Case No. 3:21-md-02981-JD

**DECLARATION OF GREGORY  
 JOHNSON IN SUPPORT OF  
 DEFENDANTS' BRIEF IN  
 RESPONSE TO THE COURT'S  
 QUESTIONS REGARDING  
 PRESERVATION OF CHAT  
 MESSAGES**

Judge: Hon. James Donato

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I, Gregory Johnson, declare as follows:

1. I am a Legal Specialists Manager at Google, and have been a Legal Specialist at Google since 2012. My responsibilities as a Legal Specialist include working with in-house counsel, outside counsel, members of the Google Discovery team, and business and product teams across various litigation matters to conduct fact-finding investigations, gather information, identify documents and data to preserve and/or collect in response to litigation discovery. I make this declaration based on personal knowledge. If called as a witness, I could testify competently to the facts stated herein.

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1 new individuals that may have information relevant to the claims, I would apply the legal hold and  
2 send the legal hold notice through the discovery operations tracking system to those new  
3 individuals. Subsequently, I also received updated legal hold notice language from counsel that  
4 reflected additional parties and legal theories and was responsible for sending those updated legal  
5 hold notices to all legal hold custodians. As of now, Google has placed 383 employees on legal  
6 hold for this matter.

7       5. In addition to sending numerous amended legal hold notices over time, I also sent  
8 repeated emails to a list of Google employees in this matter, at the instruction of counsel,  
9 reminding them that they are on legal hold. In almost every such reminder, we emphasized that  
10 Google has an obligation to preserve chat messages for this case, or specifically reminded  
11 employees that to the extent they use chats, they should take steps, such as turning “history on,” to  
12 preserve them.

13       6. On at least one occasion in July 2021, consistent with the testimony of our  
14 Information Governance Lead (Genaro Lopez) at the evidentiary hearing—an excerpt of which  
15 was provided to me by counsel for review—I reminded legal hold notice recipients by email that  
16 they should avoid Chat for any topic covered by the legal hold. I also told them, consistent with  
17 Mr. Lopez’s testimony, that if they needed to use Google Chat to talk about topics covered by the  
18 litigation hold, then they needed to turn history on to make sure their communications would be  
19 preserved.

20                   **Preservation Approach for Past Five Years**

21       7. I understand that the Court has asked the following question:

22                   *“In any case filed in the United States in the past five years, did Google preserve*  
23                   *all Google Chats for relevant individuals (with Google turning the history to “on”*  
24                   *for all of those individuals’ Google Chats, rather than leaving the preservation*  
                    *decision to the discretion of each individual employee)?”*

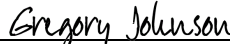
25       8. I have been a Litigation Paralegal at Google for over 10 years and have participated  
26 in hundreds of litigation matters while in this position, and my understanding is that Google has, at  
27 least for the past five years, maintained the same approach to preserving Google Chats for legal  
28 hold recipients in all of its cases. That general approach is that Google preserves (a) automatically

1 (no user action required) the threads in which a legal hold recipient participates in threaded  
2 rooms/spaces, and (b) any unthreaded chats (either one-on-one or among a group) in which a  
3 participant turned history on.

4 9. I have taken a number of steps to confirm this. First, over the course of my more  
5 than 10 years as a Litigation Paralegal at Google, I have never been involved in a case in which  
6 Google automatically preserved all chats, without individual user action, beyond those in threaded  
7 room/spaces. Second, I have surveyed the team of Google paralegals that handle all U.S. litigation  
8 matters at Google, and to the best of my understanding, none is aware of any case in which  
9 Google automatically preserved all chats automatically beyond threaded rooms/spaces. I spoke  
10 with almost all members of that group, and they confirmed that Google's practice in all their cases  
11 is to instruct legal hold recipients to not use Google Chat for topics covered by the legal hold, and  
12 if necessary to turn history on for any such chat (which would not be necessary if all their Google  
13 Chats were being automatically preserved). Finally, I have confirmed with our Information  
14 Governance Lead, Genaro Lopez, who confirmed he is not aware of any instance in which the  
15 legal team has asked his team to force "history on" for all Google Chats for legal hold recipients.

16  
17 I declare under penalty of perjury under the laws of the United States that the foregoing is  
18 true and correct.

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20 Executed on this 24th day of January, 2023, in San Francisco, California.

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22 DocuSigned by:  
23   
24 Gregory Johnson  
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